

1 **UNITED STATES DISTRICT COURT**  
2 **DISTRICT OF NEVADA**

3 Plot USA, Inc.,

4 Plaintiff

5 v.

6 Takeshi Hyakawa and Yukari Hidaka,

7 Defendants

Case No.: 2:18-cv-00922-JAD-EJY

**Order Denying Untimely Renewed Motion  
for Summary Judgment**

[ECF No. 78]

8 When pro se defendant Takeshi Hyakawa didn't respond to Plot USA's requests for  
9 admissions, the company used them in support of its motion for summary judgment last year.<sup>1</sup>  
10 But the admissions alone didn't end this case, so I granted summary judgment in its favor as to  
11 liability only on its claims for breach of contract and interference with a prospective economic  
12 advantage, leaving the issue of damages for trial.<sup>2</sup> Without seeking leave to do so, the company  
13 renewed its summary-judgment motion, focusing on the damages issue.<sup>3</sup> But under this court's  
14 local rules and the Federal Rules of Civil Procedure, the deadline to file a summary-judgment  
15 motion was many months ago.<sup>4</sup> And while a court may "order otherwise" under Rule 56(b), the  
16 company has offered no basis to do so. So I deny Plot's renewed motion for summary judgment

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19 <sup>1</sup> ECF No. 65 (motion for summary judgment).


20 <sup>2</sup> ECF No. 74.

21 <sup>3</sup> ECF No. 78 (renewed motion for summary judgment).

22 <sup>4</sup> Fed. R. Civ. P. 56(b) ("Unless a different time is set by local rule or the court orders otherwise,  
23 a party may file a motion for summary judgment at any time until 30 days after the close of all  
discovery."); LR 26-1(b)(4) ("Unless the discovery plan otherwise provides and the court so  
orders, the deadline for filing dispositive motions is 30 days after the discovery cut-off date.");  
LR 7-2 ("Unless the court orders otherwise, the time for filing a motion for summary judgment is  
governed by Fed. R. Civ. P. 56(b).").

1 without prejudice to its ability to re-urge its request with a properly supported motion for leave to  
2 file its untimely motion under the federal rules and Local Rule IA 6-1.<sup>5</sup>

3 IT IS THEREFORE ORDERED that Plot USA's renewed motion for summary judgment  
4 [ECF No. 78] is **DENIED without prejudice as untimely**. If the company wishes to re-urge its  
5 motion along with a properly supported companion motion for leave, it must do so by **July 16,**  
6 **2021**. The Clerk of Court is directed to SEND a copy of Plot's renewed motion [ECF No. 78]  
7 and a copy of this order to Hyakawa's updated address.

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U.S. District Judge Jennifer A. Dorsey  
July 6, 2021

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<sup>5</sup> LR IA 6-1 (requiring a party to show excusable neglect for failing to file the motion before the expired deadline).